

**IN THE UNITED STATES DISTRICT COURT FOR
WESTERN DISTRICT OF PENNSYLVANIA**

ABBY B. CONLEY,

CIVIL DIVISION

Plaintiff,

No.: 05-CV-76 E

-vs-

Judge Sean J. McLaughlin

COUNTY OF ERIE, ERIE COUNTY OFFICE
OF CHILDREN AND YOUTH a/k/a ERIE
COUNTY CHILD WELFARE SERVICE,
RICHARD SCHENKER, individually and in
his capacity as County Executive of Erie
County, Pennsylvania, PETER CALLAN,
individually and in his capacity as Erie County
Director of Personnel, DEBRA LIEBEL,
individually and in her capacity as Executive
Director, Erie County Office of Children and
Youth a/k/a Erie County Child Welfare
Service, and JOHN A. ONORATO,
ESQUIRE, individually and in his capacity as
Erie County Solicitor,

Defendants.

**DEFENDANTS', COUNTY OF ERIE, ERIE COUNTY OFFICE OF CHILDREN AND
YOUTH a/k/a ERIE COUNTY CHILD WELFARE SERVICE, RICHARD SCHENKER,
PETER CALLAN, DEBRA LIEBEL,
OPPOSITION TO PLAINTIFF'S MOTION TO EXTEND DISCOVERY**

AND NOW comes the Defendants, COUNTY OF ERIE, ERIE COUNTY
OFFICE OF CHILDREN AND YOUTH a/k/a ERIE COUNTY CHILD WELFARE SERVICE,
RICHARD SCHENKER, individually and in his capacity as County Executive of Erie County,
Pennsylvania, PETER CALLAN, individually and in his capacity as Erie County Director of
Personnel, DEBRA LIEBEL, individually and in her capacity as Executive Director, Erie County
Office of Children and Youth a/k/a Erie County Child Welfare Service by and through their

attorney, Edmond R. Joyal, Jr., Esquire and Law Office of Joseph Of Joseph S. Weimer and files this Opposition to Plaintiff's Motion to Extend Discovery:

1. Plaintiff through her counsel has requested this Honorable Court to extend discovery for an additional seventy five (75) days.

2. This is the third extension of time for discovery filed by Plaintiff in this matter.

3. In her Motion, counsel states that the Plaintiff has not taken depositions in this matter because "Counsel for Defendants unilaterally declared themselves unavailable during the months of November, December and January." See correspondence between counsel regarding depositions attached hereto as Exhibits "A-G".

4. The undersigned has done nothing of the sort.

5. Plaintiff's counsel has not sought specific dates for any depositions of these Defendants or representatives of these Defendants since the initial unilateral Deposition Notices for the depositions of various party Defendants. See correspondence from Tim McNair enclosing Notices of Depositions attached hereto as Exhibit "B".

6. Plaintiff has represented to the Court that the Supplemental Responses of these Defendants to Plaintiffs Interrogatories are not "adequate".

7. In addition, counsel has represented to the Court that he is attempting to “negotiate a resolution with the County of Erie.”

8. Attached hereto as Exhibit “H” is a copy of a letter from Timothy McNair to undersigned counsel which states that he will be seeking sanctions for “evasive and incomplete responses” to the Interrogatories. See the Defendants’ Supplemental Responses to Plaintiff’s Interrogatories attached hereto as Exhibit “I”.

9. In addition, this Court granted Defendants additional time to file their Reply to the Request for Production which has not yet expired. See Court Order dated January 25, 2006 attached hereto as Exhibit “J”.

10. This matter has not changed in either complexity or difficulty since it was originally filed.

11. It continues to be the position of these Defendants that counsel for Plaintiff, especially Mr. Angelone has had the opportunity to view and copy a substantial portion of the documents requested and which were to be used by the county during the course of the civil service appeal proceeding that had been initiated by Plaintiff and withdrawn the day before the hearing was to take place.

12. Roger Taft, Esquire, counsel for the county during that proceeding has provided the undersigned with various documents that were provided to Mr. Angelone during that proceeding.

13. Those documents have been segregated by Mr. Taft as to what was retained by Mr. Angelone and what was returned.

14. These documents and the accompanying letter from Mr. Taft will be presented to the Court during oral argument on the Motion.

15. Included in these documents are the personnel file of Abby Conley and case records which had been requested by Mr. Angelone, as well as various emails and other documents relevant to that proceeding.

16. This request is nothing more than an attempt by Plaintiff through counsel to delay the trial of this matter in order to await the conclusion of an arbitration of a grievance brought on Plaintiff's behalf by her union which deals with her termination of employment.

WHEREFORE, Defendants request that this Court Sustain and Deny Plaintiff's Motion for a Seventy Five Day Extension of Discovery and the suggestion that the matter be designated as a Track II case.

LAW OFFICE OF JOSEPH S. WEIMER

/s/ Edmond R. Joyal, Jr.

Edmond R. Joyal, Jr., Esquire

PA I.D. #65907

Attorney for Defendants

Law Office of Joseph S. Weimer

975 Two Chatham Center

Pittsburgh, PA 15219

(412) 338-3184

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DEFENDANTS', COUNTY OF ERIE, ERIE COUNTY OFFICE OF CHILDREN AND YOUTH a/k/a ERIE COUNTY CHILD WELFARE SERVICE, RICHARD SCHENKER, PETER CALLAN, DEBRA LIEBEL, OPPOSITION TO PLAINTIFF'S MOTION TO EXTEND DISCOVERY has been served by First Class Mail, postage pre-paid, upon the following parties on this 1st day of February, 2006.

Anthony Angelone, Esquire
Vendetti & Vendetti
3820 Liberty Street
Erie, PA 16509
(Counsel for Plaintiff)

Timothy D. McNair, Esquire
Law Office of Timothy D. McNair
821 State Street
Erie, PA 16501
(Counsel for Plaintiff)

Mark R. Lane, Esquire
Dell, Moser, Lane & Loughney, LLC
525 William Penn Place, Suite 3700
Pittsburgh, PA 15219-1707
(Counsel for Defendant, John A. Onorato, Esquire)

LAW OFFICE OF JOSEPH S. WEIMER

/s/ Edmond R. Joyal, Jr.
Edmond R. Joyal, Jr., Esquire
Attorney for Defendants
County of Erie, Erie County Office of Children and
Youth a/k/a Erie County Child Welfare Service,
Richard Schenker, Peter Callan, and Debra Liebel